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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,262	12/21/2001	Takeo Seino	Q67855	4884
7590 04/23/2004				
SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, NW Washington, DC 20037-3213			EXAMINER VO, ANH T N	
			ART UNIT 2861	PAPER NUMBER

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/024,262

**Applicant(s)**

SEINO ET AL.

**Examiner**

anh t.n vo

**Art Unit**

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 03/15/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-7 is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-10 and 13 is/are rejected.
- 7) ☐ Claim(s) 11 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>03/15/2004</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

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## **DETAILED ACTION**

### ***Continued Prosecution Application***

The request filed on 03/15/2004 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 10/024,262 is acceptable and a CPA has been established. An action on the CPA follows.

### ***Information Disclosure Statement***

The references cited on PTO 1449 have been considered.

## **CLAIM REJECTIONS**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 8-10 and 13 are rejected under 35 USC 102 (b) as being anticipated by Suga et al. (U.S. Pat. 4,514,742).

Suga et al. disclose in Figures 2-3B an ink tank for use in an ink jet printer

- a container (T1) having a bottom wall and defining at least one ink chamber;

- a protruded portion (an unmarked tube that is extended from a bottom wall of an ink tank T1) protruded from the bottom wall and defining an ink supply passage;
  - an ink supply port, provided at the protruded portion, the ink supply port having an opening wall substantially perpendicular to the bottom wall, the opening wall being located within an area of the bottom wall (Figure 2);
  - comprising a normally-closed valve system (22) provided near the ink supply port (15);
  - the ink supply passage (15) extends substantially parallel to the bottom wall (Figure 2);
  - wherein the ink supply passage (15) is disposed at a predetermined distance from the bottom wall and located within an area below the bottom wall (see Figure 2);
- wherein the ink supply port is connectable to an ink guide member (15) communicating with a recording head (10) of an inkjet recording apparatus; and
- wherein the opening wall is substantially perpendicular to a general ink flow direction through the ink supply port (Figure 2).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior arts are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4 rejected under 35 USC 103 (a) as being unpatentable over of Suga et al. (US Pat. 4,514,742) in view of Shimada et al. (US Pat. 6,086,193).

Suga et al. disclose the basic features of the claimed invention was stated above but do not disclose an ink tank comprising a recess communicating with the ink chamber and formed in an upper wall of the container; and a breakable film sealing the recess; and a capillary of a

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narrow groove formed in the upper wall of the container, wherein the recess communicates with the ink chamber through the capillary.

Shimada et al. disclose in Figures 6, 8, and 12 an ink cartridge comprising:

- a recess (134a) communicating with the ink chamber (102a) and formed in an upper wall (120) of the container (70);
- a breakable film (35) sealing the recess (134a);
- a capillary of a narrow groove (133) formed in the upper wall (120) of the container (104), wherein the recess (134a) communicates with the ink chamber (102a) through the capillary.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the teaching of Shimada et al. in the Suga et al. ink jet printer for the purpose of keeping constant negative pressure within an ink cartridge.

#### ***Citation of Pertinent Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This prior art references (US Pat. 5,365,260) cited in the PTO 892 form show an ink tank that is deemed to be relevant to the present invention. This reference should be reviewed.

#### ***Allowable Subject Matter***

Claim 5 is allowed because none of the prior art references of record teaches an ink cartridge for use in an ink jet recording apparatus comprising an ink guide member through which ink in the ink cartridge being mounted on a carriage is supplied to the inkjet recording head, the ink guide member having a horizontally protruded leading end and a protrusion provided on the carriage, wherein the protrusion horizontally protrudes near the ink guide member, for engagement of the ink cartridge and the carriage in the combination as claimed.

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Claims 6-7 are allowed.

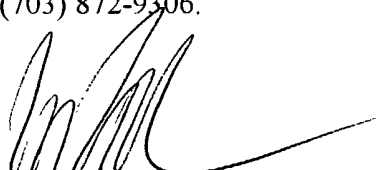
Claims 11-12 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. These claims would be allowable because none of the prior art references of record discloses an ink cartridge to be mounted on a movable carriage comprising a guide portion that is located between a bottom wall of an ink cartridge and an opening wall of an ink supply port in the combination as claimed.

### **CONCLUSION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo whose telephone number is (571) 272-2262.

The examiner can normally be reached on Tuesday to Friday from 8:00 A.M. to 6:00 P.M..

The fax number of this Group 2800 is (703) 872-9306.



ANH T.N. VO  
PRIMARY EXAMINER

April 17, 2003